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### REMARKS

Claims 1-22 are all the claims presently pending in the application. Claims 1, 8-9, and 13 are amended to more clearly define the invention. Claims 1 and 8-9 are independent.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicant also notes that, notwithstanding any claim amendments herein or later during prosecution, Applicant's intent is to encompass equivalents of all claim elements.

Entry of this §1.116 Amendment is proper. Since the Amendments above narrow the issues for appeal and since such features and their distinctions over the prior art of record were discussed earlier, such amendments do not raise a new issue requiring a further search and/or consideration by the Examiner. As such, entry of this Amendment is believed proper and Applicant earnestly solicits entry. No new matter has been added.

Claims 1-16 and 18-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kfoury reference in view of the Ghassabian reference. Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kfoury reference, in view of the Ghassabian reference, and further in view of the Lim reference. Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kfoury reference, in view of the Ghassabian reference, and further in view of the Narayanaswamy, et al. reference.

These rejections are respectfully traversed in the following discussion.

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## I. THE CLAIMED INVENTION

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An exemplary embodiment of the claimed invention, as defined by, for example, independent claim 1, is directed to opening/closing type portable information terminal equipped with a display portion housing having a display portion and an operating portion housing having an operating portion. An end portion of the display portion housing is linked to an end portion of the operating portion housing by a rotating mechanism under a state that a face of the display portion of the display portion housing is maintained to orient in a same side as a face of the operating portion of the operating portion housing so that the display portion housing is rotatable relative to said operating portion housing around the rotational axis of the rotating mechanism and so that the display portion housing swings through an arc that is substantially parallel to the face of the operating portion at a closed position. The rotational axis forms an acute angle with at least one of the face of the operating portion and the face of the display portion.

Conventional portable terminal devices (like the terminal disclosed by the Kfoury reference) include a display portion that is rotatable with respect to the operating portion such that the two portion fold together and/or apart in a clam-shell like motion (col. 4, lines 53-57).

However, when these conventional terminal devices have been folded, the display portion cannot be seen and it is inconvenient for the user to repeatedly open and close the terminal to determine whether messages have been received and to review new messages.

In stark contrast, the present invention provides a very simple structure that allows the display portion to rotate through an arc about a rotational axis that maintains an acute angle with at least one of the face of the operating portion and the face of the display portion.

In this manner, the present invention maintains the display portion in a visible and

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useable position regardless of whether the terminal is closed or open.

## II. THE PRIOR ART REJECTIONS

### A. The Kfoury reference in view of the Ghassabian reference

Regarding the rejection of claims 1-16 and 18-22, the Examiner alleges that the Ghassabian reference would have been combined with the Kfoury reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

None of the applied references teaches or suggests the features of independent claims including a portable information terminal having a display portion that rotates through an arc about a rotational axis that maintains an acute angle with at least one of the face of the operating portion and the face of the display portion. As explained above, this feature is important for maintaining the display portion in a visible and useable position regardless of whether the terminal is closed or open.

As agreed by Examiner Pham, the Kfoury reference clearly does not teach or suggest the features of the present invention including a display portion that rotates through an arc that is substantially parallel to the face of the operating portion at a closed position and about a rotational axis that maintains an acute angle with at least one of the face of the operating portion and the face of the display portion.

The Ghassabian reference does not remedy the deficiencies of the Kfoury reference.

Rather, the Ghassabian reference discloses a wrist communication device 5 with a handset 12 that includes extendable handset sections 12a and 12b. One of the embodiments

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disclosed by the Ghassabian reference illustrates that the sections 12a and 12b may rotate around a pivot 13b (Figure 2f). The rotational axis about which the sections 12a and 12 rotate clearly maintains a ninety degree angle (i.e. perpendicular angle) with the faces of the sections 12a and 12b. Therefore, the Ghassabian reference clearly does not teach or suggest a display portion that rotates through an arc about a rotational axis that maintains an acute angle with at least one of the face of the operating portion and the face of the display portion. Thus, the Ghassabian reference clearly does not remedy the deficiencies of the Kfoury reference.

Further, Applicant submits that these references would not have been combined as alleged by the Examiner.

Firstly, contrary to the Examiner's allegation, one of ordinary skill in the art would not have been motivated to modify the portable electronic device that is disclosed by the Kfoury reference to include the pivot mechanism that is disclosed by the Ghassabian reference because such a modification would change the principle of operation of the portable electronic device that is disclosed by the Kfoury reference.

M.P.E.P. § 2143.01 states:

*"If the proposed modification or combination of the prior art would change the principal of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious."* (Emphasis added).

The Kfoury reference discloses a very specific type of swivel hinge 214 (Figures 3 and 4) that is specifically designed to have a principal of operation that enables the housing portions to rotate about "a first axis such that the two housings can fold together or apart and at the same time rotate about a second axis allowing the housing portions to rotate relative to

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one another." (Col. 3, lines 6-13).

In stark contrast, the pivot 13b that is disclosed by the Ghassabian reference operates based upon a completely different principal of operation. The pivot 13b does not permit rotation of the housing portions 12a and 12b about two axes. Rather, the Ghassabian reference merely discloses housing portions that rotate about a single axis.

Therefore, contrary to the Examiner's allegation, one of ordinary skill in the art would not have been motivated to modify the portable electronic device that is disclosed by the Kfoury reference to include the pivot mechanism that is disclosed by the Ghassabian reference because such a modification would change the principle of operation of the portable electronic device that is disclosed by the Kfoury reference.

Moreover, one of ordinary skill in the art also would not have been motivated to combine the references as alleged by the Examiner because the references are directed to completely different and unrelated matters and problems.

Specifically, the Kfoury reference is concerned with improving the adaptability of user interfaces in portable electronic devices allowing multi-mode operation and disability access while reducing manufacturing time and cost. (Col. 2, lines 13 - 17).

In stark contrast, the Ghassabian reference is concerned with the completely different and unrelated problem of providing an improved wrist-worn cellular phone device, with improved antenna technology. (Col. 2, lines 16-17).

Therefore, one of ordinary skill in the art who was concerned with improving the adaptability of user interfaces in portable electronic devices allowing multi-mode operation and disability access while reducing manufacturing time and cost as the Kfoury reference is concerned with addressing would not have referred to the Ghassabian reference because the

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Ghassabian reference is concerned with the completely different and unrelated problem of providing an improved wrist-worn cellular phone device, with improved antenna technology. Thus, the references would not have been combined.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 1-16 and 18-22.

**B. The Kfoury reference in view of the Ghassabian reference and in further view of the Lim reference**

Regarding the rejection of claim 17, the Examiner alleges that the Ghassabian reference would have been combined with the Kfoury reference and further alleges that the Lim reference would have been combined with the Kfoury reference and the Ghassabian reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

None of the applied references teaches or suggests the features of independent claims including a portable information terminal having a display portion that rotates through an arc about a rotational axis that maintains an acute angle with at least one of the face of the operating portion and the face of the display portion. This feature is important for maintaining the display portion in a visible and useable position regardless of whether the terminal is closed or open.

As explained above, neither of the Kfoury reference nor the Ghassabian reference teaches or suggests these features.

The Lim reference does not remedy the deficiencies of the Kfoury reference and the

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Ghassabian reference.

Rather, the Lim reference discloses a folder operating apparatus for a cellular phone with a rotating section 10 and a fixing section that cooperate to allow the body 3 and the folder 2 to rotate with respect to each other about a rotational axis which is parallel to the faces of both of the body 3 and the folder 2.

Indeed, the Examiner does not allege that the Lim reference teaches or suggests the features of independent claims including a portable information terminal having a display portion that rotates through an arc about a rotational axis that maintains an acute angle with at least one of the face of the operating portion and the face of the display portion.

Thus, the Lim reference clearly does not remedy the deficiencies of the Kfoury reference and the Ghassabian reference.

Further, one of ordinary skill in the art also would not have been motivated to combine the references as alleged by the Examiner because the references are directed to completely different and unrelated matters and problems.

As explained above, one of ordinary skill in the art would not have been motivated to combine the teachings of the Kfoury reference and the Ghassabian reference as alleged by the Examiner.

Further, in stark contrast to the Kfoury reference and the Ghassabian reference, the Lim reference is concerned with the completely different and unrelated problem of providing a folder operating apparatus for a cellular phone which can achieve a stable opening and closing. (Col. 3, lines 34-41).

Indeed, neither of the devices that are disclosed by the Kfoury reference and the Ghassabian reference suffer from such a problem because neither of the devices include a

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folder operating apparatus like that which is disclosed by the Lim reference.

Moreover, the folder operating apparatus that is disclosed by the Lim reference operates based upon a principal of operation which is completely different from the devices that are disclosed by the Kfoury reference and the Ghassabian reference.

Thus, one of ordinary skill in the art would not have been motivated to modify the portable electronic device that is disclosed by the Kfoury reference or the device that is disclosed by the Ghassabian reference with the folding operating apparatus that is disclosed by the Lim reference because such a modification would change the principle of operation of the portable electronic devices that are disclosed by the Kfoury reference and Ghassabian reference.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claim 17.

**C. The Kfoury reference in view of the Ghassabian reference and in further view of the Narayanaswamy et al. reference**

Regarding the rejection of claim 19, the Examiner alleges that the Ghassabian reference would have been combined with the Kfoury reference and further alleges that the Narayanaswamy et al. reference would have been combined with the Kfoury reference and the Ghassabian reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

None of the applied references teaches or suggests the features of independent claims including a portable information terminal having a display portion that rotates through an arc

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about a rotational axis that maintains an acute angle with at least one of the face of the operating portion and the face of the display portion. This feature is important for maintaining the display portion in a visible and useable position regardless of whether the terminal is closed or open.

As explained above, neither of the Kfoury reference nor the Ghassabian reference teaches or suggests these features.

The Narayanaswamy et al. reference does not remedy the deficiencies of the Kfoury reference and the Ghassabian reference.

Rather, similar to the folder operating apparatus of the Lim reference, the Narayanaswamy et al. reference also discloses a folder operating apparatus that rotates about a rotational axis that is parallel to the faces of both the operating portion and the display portion.

Indeed, the Examiner does not allege that the Narayanaswamy et al. reference teaches or suggests the features of independent claims including a portable information terminal having a display portion that rotates through an arc about a rotational axis that maintains an acute angle with at least one of the face of the operating portion and the face of the display portion.

Thus, the Narayanaswamy et al. reference clearly does not remedy the deficiencies of the Kfoury reference and the Ghassabian reference.

Further, one of ordinary skill in the art also would not have been motivated to combine the references as alleged by the Examiner because the references are directed to completely different and unrelated matters and problems.

As explained above, one of ordinary skill in the art would not have been motivated to

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combine the teachings of the Kfoury reference and the Ghassabian reference as alleged by the Examiner.

Further, in stark contrast to the Kfoury reference and the Ghassabian reference, the Narayanaswamy et al. reference is concerned with the completely different and unrelated problem of a limited display size (col. 1, lines 11-22).

One of ordinary skill in the art who was concerned with improving the adaptability of user interfaces in portable electronic devices allowing multi-mode operation and disability access while reducing manufacturing time and cost as the Kfoury reference is concerned with addressing or who was concerned with the problem of providing an improved wrist-worn cellular phone device, with improved antenna technology as the Ghassabian reference is concerned would not have referred to the Narayanaswamy et al. reference because the Narayanaswamy et al. reference is concerned with the completely different and unrelated problem of a limited display size. Thus, the references would not have been combined.

Moreover, the folder operating apparatus that is disclosed by the Narayanaswamy et al. reference operates based upon a principal of operation which is completely different from the devices that are disclosed by the Kfoury reference and the Ghassabian reference.

Thus, one of ordinary skill in the art would not have been motivated to modify the portable electronic device that is disclosed by the Kfoury reference or the device that is disclosed by the Ghassabian reference with the folding operating apparatus that is disclosed by the a limited display size because such a modification would change the principle of operation of the portable electronic devices that are disclosed by the Kfoury reference and Ghassabian reference.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claim

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### III. FORMAL MATTERS AND CONCLUSION

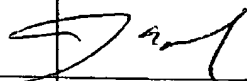
In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-22, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

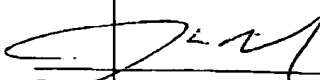
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### CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that I am filing this Amendment Under 37 CFR §1.116 by facsimile with the United States Patent and Trademark Office to Examiner Tuan Pham, Group Art Unit 2643 at fax number (703) 872-9306 this 29<sup>th</sup> day of June, 2005.

  
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